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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,443	11/10/2003	John T. Waidner	DP-307920	4601
22851	7590	04/04/2006	EXAMINER NOORI, MAX H	
DELPHI TECHNOLOGIES, INC. M/C 480-410-202 PO BOX 5052 TROY, MI 48007			ART UNIT 2855	PAPER NUMBER

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

29

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/705,443		WAIDNER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Max Noori		2855	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4,8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (hereafter AAPA) as shown generally in figure 1, in view of Massara

Regarding claim 9, AAPA discloses a fluid-filled elastomeric bladder assembly for disposition in a vehicle seat intermediate an occupant load bearing seat cushion and an underlying spring suspension structure for occupant weight comprising an upper and lower interface panels of relatively thick material, and a sheet of relatively thin elastomeric material disposed between the these panels. The sheets are partially peripherally joined to the panels forming a closed bladder for filling with fluid. AAPA also shows the port 24 extending through the bladder for fluid communication with a fluid pressure sensor 22 (pg. 1 lines 23-31, pg. 2 lines 1-15 (Fig. 1)). Even though the sheets are peripherally jointed to the panel they are not completely peripherally connected. However, such configuration not only does not solve any stated problem, but also is also well known in the art. For example, Massara discloses a dual spring back suspension system for an automatic seat teaching a bladder configured to join to an upper or lower panel in a peripheral manner(see figures 4). Therefore, it would have been

Art Unit: 2855

obvious for a skilled artisan at the time of the invention to modify AAPA to shape the bladder to join in the panel in any desirable manner such as peripherally in order to have more area of contact and as a result for more comfortable seating sensation.

Regarding claim 8, AAPA discloses the elastomeric bladder assembly of claim 7, further comprising at least one interperipheral spot weld 30 locally joining said first and second sheets 20a,20b of elastomeric material (pg. 2 lines 3-5 (Fig. 1 )).

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Massara and further in view of Gaither.

Regarding claim 2, when all the elements of the claimed invention is presented in prior art, the mere recitation of the dimensions and sizes are unobvious modifications. In describing the aspect of the prior art no discussion is presented for the dimension of the various elements. However, similar dimensions are generally used in a bladder for a seat. For example, Gaither teaches a bladder 42 made with an elastomeric material having a thickness in the range of  $\frac{1}{8}$  inch to 1 inch (col. 3 lines 30-52 (Figs. 3 and 4)). Moreover, Gaither's bladder 42 is potentially made of first and second sheets but it is not elaborated on. It would have been obvious, therefore, to one having ordinary skill in the art at the time the invention was made to modify AAPA with teachings of Gaither to include two sheets of elastomeric material with a specific thickness for the purpose of designing the bladder to resist dynamic fatigue and compression (see Gaither, col. 3 lines 46-52).

Regarding claims 3-4, AAPA shows upper and lower load bearing surfaces.

***Response to Amendment***

4. Applicant's amendment and arguments filed 2/17/06 have been fully considered but they are moot in view of the new ground of the rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Max H. Noori whose telephone number is (571) 272-2185. The examiner can normally be reached on Tuesday-Friday from 8:00 AM to 6:00 PM.

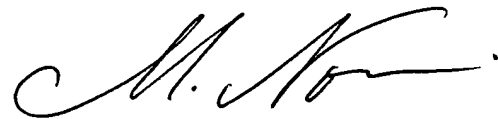
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2800. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The central fax number is (703) 827-9306.

Art Unit: 2855

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHN

Wednesday, March 29, 2006

A handwritten signature in black ink, appearing to read 'M. Noori', with a stylized flourish at the end.

**MAX NOORI**  
**PRIMARY EXAMINER**